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TORTS—CIVIL RIGHTS—RIGHTS OF PRIVACY.—BINNS v. AMERICAN VITAGRAPH Co., 132 N. Y., SUPP., 237.—*Held*, that where one is greatly disturbed in his mind and his feelings are injured by the unlawful use of his name and picture he may recover exemplary damages. McLaughlin, J., *dissenting*.

The common law regards the person as inviolate and recognizes one's right to be let alone. *Cooley on Torts*, p. 29; *Harvard Law Review*, Dec. 15, 1890. The mere fact that the cause of an injury is novel does not leave it without a remedy. *Kiyek v. Goldman*, 150 N. Y., 176. There is authority in support of the principle case, *Marks v. Jaffa*, 6 N. Y. Misc., 290, and the English courts are in accord with the doctrine. *Tuck v. Priester*, 192 B. D., 639 (1887); *Prince Albert v. Strang*, 1 Masn., 825; *Pollard v. Photograph Co.*, 40 Ch. Div., 345 (1888). By the great weight of opinion relatives cannot collect damages for injuries to their feelings through the publishing of pictures of their dead. *Corliss v. Walker*, 57 Fed., 434; *Atkinson v. Doherty*, 121 Mich., 372; *Schuyler v. Curtis*, 147 N. Y., 434.

WILLS—NUNCUPATIVE WILL.—MITCHELL v. STANTON, 139 S. W., 1034 (TEX.).—*Held*, a nuncupative will does not pass title to realty.

A nuncupative will is one that is not in writing, and exists only when the testator declares his will orally before a sufficient number of witnesses, while he is in his last sickness. *Estate of Miller*, 47 Wash., 253; *Wiley's Estate*, 187 Pa., 82. The doctrine of nuncupative will is derived from the civil law and was incorporated into the common law, before the statute of wills. *Prince v. Hasleton*, 20 Johns., 519. It was a common mode of devising property among seamen, sailors, and soldiers in service. These devises and bequests were usually of personalty, or realty of small amounts. *Lewis v. Aylott*, 45 Texas, 190. The words spoken to constitute a nuncupative will must manifest an intent to make a will, and must be spoken *in extremis*. *Sykes v. Sykes*, 2 Stew., 364; *Morgan v. Steves*, 78 Ill., 287. It is well established that personal property may be bequeathed by a nuncupative will. *Godfrey v. Smith*, 73 Neb., 756. In some states, under statutory provisions realty may be devised by a nuncupative will. *Gillis v. Willer*, 10 Ohio, 463. The weight of authority however is that realty cannot be devised by a nuncupative will. *Palmer v. Palmer*, 2 Dana, 390; *Pierce v. Pierce*, 46 Ind., 86.

WILLS—WILL OF MARRIED WOMAN—CONSENT OF HUSBAND.—ERICKSON v. ROBERTSON, 133 N. W., 164 (MINN.).—*Held*, that written consent by the husband to the devise by the wife of her real property is valid and effectual without consideration, though given in furtherance of a void written agreement between husband and wife, by which each, in terms, released all interest in the other's real property; the wife having performed her part of the agreement.

At common law the will of a married woman devising her real property was void even though made with her husband's consent. 2*Bla. Com.*,